

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

THEODORE C. "TED" BACA, as  
Personal Representative of the Wrongful  
Death Estate of HILLARY ANN  
JARAMILLO, deceased; GEORGIA  
MARQUEZ, individually as mother of  
decedent; MICHAEL R. JARAMILLO II,  
individually as brother of decedent; and  
MICHAEL R. JARAMILLO, individually  
as father of decedent.

Plaintiffs,

vs.

No.

AG EXPRESS TRANSPORTATION, INC.,  
A Foreign Corporation; DIOSDADO  
PASCUA, an individual; and JOHN DOES 1-5,  
unknown entities and individuals,

Defendants.

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

COME NOW the Defendants, AG Express Transportation, Inc. and Diosdado Pascua ("Defendants"), by and through their attorneys of record, Butt Thornton & Baehr PC, and respectfully petition the Court, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, for the removal of this action from the Second Judicial District Court, County of Bernalillo, State of New Mexico, to the United States District Court for the District of New Mexico on the following grounds:

1. On August 14, 2014, Plaintiffs filed this civil action against Defendants in the Second Judicial District Court, County of Bernalillo, State of New Mexico arising from an accident that occurred on July 14, 2014. Pursuant to D.N.M. LR-CIV 81.1, copies of the Summons and Complaint are attached hereto.

2. According to the Complaint, Plaintiffs are residents of the State of New Mexico. See Complaint at ¶¶ 1, 3, 4 and 5.

3. Defendant AG Express Transportation, Inc. is a California corporation.

4. Defendant Diosdado Pascua is a resident of California.

5. As such, complete diversity of citizenship exists between Plaintiffs and Defendants.

6. Plaintiffs' Complaint is for "Wrongful Death and Other Damages" and seeks punitive damages. See Complaint at ¶¶ 27, 40, 41, 45, 46, 48, 49, 50, 51 and 52.

7. Although Defendants do not admit that Plaintiffs have been damaged as the result of any acts or omissions of Defendants, the amount in controversy exceeds \$75,000.00.

8. Plaintiffs' Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by Defendants under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

9. This Notice of Removal is filed with this Court within thirty (30) days after service of process upon Defendants.

10. Defendants, immediately upon the filing of this Notice of Removal, gave written notice of the filing as required by 28 U.S.C. §1446(D) and filed a copy thereof with the Clerk of the Second Judicial District Court, County of Bernalillo, State of New Mexico, the Court from which this action is removed.

11. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

WHEREFORE, the Defendants, AG Express Transportation, Inc. and Diosdado Pascua, request that the above-entitled action be removed from the Second Judicial District Court, County of Bernalillo, State of New Mexico, to this United States District Court for the District of New Mexico.

Respectfully Submitted,

BUTT THORNTON & BAEHR PC

/s/ S. Carolyn Ramos

S. Carolyn Ramos

Ryan T. Sanders

Attorneys for Defendants

AG Express Transportation, Inc.  
and Diosdado Pascua

P.O. Box 3170

Albuquerque, NM 87190-3170

Telephone: (505) 884-0777

[scramos@btblaw.com](mailto:scramos@btblaw.com)

[rtsanders@btblaw.com](mailto:rtsanders@btblaw.com)

I HEREBY CERTIFY that on the 8th day of September, 2014, I filed the foregoing electronically through the CM/ECF system, A courtesy copy was mailed via First Class Mail, postage prepaid and addressed as follows:

Lead Counsel for Plaintiffs

Brad D. Hall, Esq.  
LAW OFFICE OF BRAD D. HALL  
320 Gold Ave. SW, Ste. 1218  
Albuquerque, NM 87102-3216  
[brad@bhallfirm.com](mailto:brad@bhallfirm.com)

Co-Counsel for Plaintiffs

Ben Davis, Esq.  
THE DAVIS LAW FIRM LLC  
111 Tulane Dr. SE  
Albuquerque, NM 87106-1439  
[bdavis@tdlf-law.com](mailto:bdavis@tdlf-law.com)

Co-Counsel for Plaintiffs

Edward Chavez, Jr., Esq.  
800 Lomas Blvd. NW, Ste. 100  
Albuquerque, NM 87102-1976  
[chavezlaw@msn.com](mailto:chavezlaw@msn.com)

/s/ S. Carolyn Ramos

S. Carolyn Ramos